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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE and RUSS BURNS, in  
their respective capacities as Trustees of the  
OPERATING ENGINEERS' HEALTH AND  
WELFARE TRUST FUND, et al.,

Plaintiffs,

v.

FOSTER & SONS GENERAL  
ENGINEERING CONTRACTORS, INC., a  
California corporation,

Defendant.

Case No.: C10-0457 MMC

**REQUEST TO VACATE CASE  
MANAGEMENT CONFERENCE**

Date: September 3, 2010  
Time: 10:30 a.m.  
Location: 450 Golden Gate Avenue  
San Francisco, California  
Courtroom: 7, 19<sup>th</sup> Floor  
Judge: Honorable Maxine M. Chesney

Plaintiffs hereby submit their Request for Vacate the Case Management Conference currently scheduled for September 3, 2010 at 10:30 a.m. in Courtroom 7.

1. On July 9, 2010, Plaintiffs filed an Amended Motion for Default Judgment ("Motion"). The Motion is set for hearing on August 27, 2010.

2. On August 24, 2010, this Court issued an Order Affording Plaintiffs Opportunity to Supplement Application for Default Judgment. The Order allows Plaintiffs two options: (1) to file a supplemental declaration, in which the matter will be deemed submitted on the moving papers and no hearing will be held; or (2) to appear at the hearing.

4. I respectfully request that the current Case Management Conference be vacated as it is unnecessary given the fact that Plaintiff's Unopposed Motion for Entry of Judgment is pending.

SALTZMAN & JOHNSON  
LAW CORPORATION

By: \_\_\_\_\_/s/\_\_\_\_\_  
Michele R. Stafford  
Attorneys for Plaintiffs

The Case Management Conference currently scheduled for September 3, 2010 at 10:30 a.m. is hereby vacated.

*Mafine M. Chesney*  
UNITED STATES DISTRICT COURT JUDGE